

REMARKS

The rejection of Claim 1 under 35 USC § 102(b) over Seong et al. is respectfully traversed.

Furthermore, the rejection of Claims 1-5 under 35 USC § 103(a) over Seong et al. in view of Rosenberg et al. is respectfully traversed.

Seong et al. discloses a compound, dihexadecyl-glu-glu. This compound corresponds to a compound of the above formula (I) in which m is 3, n is 2, p is 15. However, Applicants note that R(-NH+) is bonded to the second carbon atom as counted from the terminal carboxyl carbon atom, while the remaining R's are H. This same compound is described in the present Specification on page 26 as Compound 5.

Applicants note that the compound of Seong et al. or Compound 5 is quite different from the compound defined in amended claim 1.

A dispersion of vesicles containing the compound defined in Claim 1 now amended, such as Compound 3 described in the present specification, page 25, is much more stable than a dispersion of vesicles containing the compound of Seong et al., i.e., Compound 5. In order to demonstrate the superiority in the dispersion stability of the vesicles containing the compound defined in Claim 1 now amended, Mr. Keitaro Sou, a co-inventor of the present application, has conducted Experiments which are reported in the Declaration under 37 C.F.R. § 1.132, which is concurrently filed herewith. “Critical molecular weight” mentioned in the Declaration is described in “Macromolecules”, 1996, 29, 8132-8136, a copy of which is also enclosed herewith.

Rosenberg et al. does not disclose or suggest the compound of Claim 1 now amended.

The provisional rejection of Claim 1 under 35 U.S.C. § 101 over Claim 9 of U.S. Patent Application No. 10/416,275 (US '275) is respectfully traversed.

Application No. 10/782,851
Reply to Office Action of October 4, 2004

Claim 9 of US '275 is directed to a compound like that of Claim 1 except that m = 1.

Amended Claim 1 of the present application is different from the compound claimed in Claim 9 of US '275.

It is kindly requested that the Examiner withdraw this rejection.

In view of the amendment to Claim 1 and the comments contained herewith, it is believed that the present application is in a condition for allowance.

Should the Examiner deem that a personal or telephonic interview would be helpful in advancing this application toward allowance, she is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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